IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.3227 OF 2006

Baburao Govind Jadhav & Ors. ..Petitioners.

Vs.

Shrikant Wamanrao Kale & anr. ...Respondents.

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Mr.N.V.Bandiwadekar for the Petitioners.

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CORAM : DR.D.Y.CHANDRACHUD, J.

June 12, 2006.

P.C. :

Both the Courts below have held that though the Photo Studio was commenced in the year 1984, no objection was raised for over 15 years. The suit for eviction on the ground of a change of user came to be instituted only in the year 1999. In this view of the matter, the finding that there was an implied consent cannot be said to be perverse. The long lapse of time between the date of the alleged change of user and the institution of the suit can in the facts of this case lead to an inference of

acquiescence or implied consent of the landlord.

Having perused the findings of the Trial Court in para 19 of its judgment and that of the Appellate Court in para 27 of the judgment of the Appellate Court, I am of the view that interference to this Court under Article 227 of the Constitution is not warranted. It may be recorded that no other issue has been argued. The Petition is dismissed.

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